

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

11 DIMITRI Z. STORM,)	Case No.: 1:24-cv-0215 JLT HBK
12 Plaintiff,)	
13 v.)	ORDER ADOPTING IN FULL THE FINDINGS
14 OFFICE OF THE CALIFORNIA)	AND RECOMMENDATIONS, DISMISSING THE
15 GOVERNOR, et al.,)	ACTION WITHOUT PREJUDICE AND
16 Defendants.)	DIRECTING THE CLERK OF COURT TO CLOSE
)	THIS CASE
)	(Doc. 10)

Dimitri Storm seeks to hold the defendants liable for violations of his civil rights while housed at the California Substance Abuse Treatment Facility. (*See generally* Doc. 16.) The magistrate judge screened Plaintiff’s amended complaint pursuant to 28 U.S.C. § 1915A and found Plaintiff failed to state a cognizable claim. (Doc. 18.) After Plaintiff failed to file an amended complaint, the magistrate judge found Plaintiff failed to prosecute this action and failed to comply with the Court’s order. (Doc. 19 at 1-2.) The magistrate judge considered the factors set forth in *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986), and found terminating actions are appropriate. (*Id.* at 3-5.) Therefore, the magistrate judge recommended the Court dismiss this action without prejudice. (*Id.* at 4.)

The Court served the Findings and Recommendations on Plaintiff and notified him that any objections were due within 14 days. (Doc. 19 at 5.) The Court advised Plaintiff that the “failure to file objections within the specified time may result in the waiver of certain rights on appeal.” (*Id.*, citing *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014).) Plaintiff did not file objections, and the

1 time to do so expired.

2 According to 28 U.S.C. § 636(b)(1), this Court performed a *de novo* review of this case.
3 Having carefully reviewed the matter, the Court concludes the Findings and Recommendations are
4 supported by the record and proper analysis. Thus, the Court **ORDERS**:

- 5 1. The Findings and Recommendations dated December 9, 2024 (Doc. 19) are
6 **ADOPTED** in full.
- 7 2. The action is **DISMISSED** without prejudice.
- 8 3. The Clerk of Court is directed to close this case.

9
10 IT IS SO ORDERED.

11 Dated: **January 2, 2025**


UNITED STATES DISTRICT JUDGE